

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/12/21

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JUAN CARLOS MARTINEZ, *individually and on* :
behalf of others similarly situated, :

Plaintiff, :

-against- :

MEGA MUFFLER CENTER, CORP., *d/b/a* :
MEGA MUFFLER AUTO REPAIR; NELSON :
RODRIGUEZ, :

Defendants. :
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21-CV-6414 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed this lawsuit on July 28, 2021, *see* Dkt. 1;

WHEREAS Plaintiff has not yet served Defendant Nelson Rodriguez;

WHEREAS on October 5, 2021, Plaintiff filed an affidavit reflecting timely service of a summons and the Complaint on Defendant Mega Muffler Center, Corp. on September 28, 2021, *see* Dkt. 7;


WHEREAS Mega Muffler Center, Corp. has failed to appear, answer, or otherwise respond to the Complaint by the October 19, 2021 deadline to do so, *see* Fed. R. Civ. P. 12(a)(1); and

WHEREAS Plaintiff has not applied for a certificate of default against Mega Muffler Center, Corp.;

IT IS HEREBY ORDERED that no later than **November 26, 2021**, Plaintiff must show cause why this case should not be dismissed with prejudice for failure to prosecute under Fed. R. Civ. P. 41(b).

SO ORDERED.

Date: November 12, 2021
New York, NY



VALERIE CAPRONI
United States District Judge